

10/090004

COFE



Docket No.: 025965.101-US03
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:
Robert J. Yamartino

Patent No.: 6,947,544

Group Art Unit: 2645

Issued: September 20, 2005

Examiner: C. H. Smith

For: TELEPHONE NUMBER AREA CODE
PREPROCESSOR

TRANSMITTAL LETTER

~~Attention: Certificate of Correction Branch~~
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate
JAN 12 2006
of Correction

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced
Patent:

1. Request for Certificate of Correction Pursuant to 37 CFR 1.322;
2. Certificate of Correction (in triplicate);
3. Copy of the Information Disclosure Statement with Form PTO/SB/08A,
transmittal letter, and postcard receipt filed August 28, 2002;
4. Copy of the Office Action (Paper No. 6) mailed November 13, 2003;
5. Copy of the Amendment in Response to Non-Final Office Action filed January
16, 2004;
6. Copy of the Office Action (Paper No. 13) mailed April 21, 2004 ; and

JAN 12 2006

7. Return receipt postcard.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0740, under Docket No. 025965.101-US03. A duplicate copy of this paper is enclosed.

Dated: January 10, 2006

Respectfully submitted,

By 
Paul J. Berman

Registration No.: 36,744

Melody H. Wu

Registration No.: 52,376

COVINGTON & BURLING

1201 Pennsylvania Avenue, N.W.

Washington, DC 20004-2401

(202) 662-6000

Attorneys for Applicant

JAN 12 2006



Docket No.: 025965.101-US03
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:
Robert J. Yamartino

Patent No.: 6,947,544

Issued: September 20, 2005

For: TELEPHONE NUMBER AREA CODE
PREPROCESSOR

**REQUEST FOR CERTIFICATE OF CORRECTION
PURSUANT TO 37 CFR 1.322**

Attention: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Upon reviewing the above-identified patent, Patentee noted errors on the face of the patent which should be corrected.

The following U.S. Patent Documents were erroneously omitted from the face of the patent, under Section (56) References Cited:

<u>Patent</u>	<u>Issue Date</u>	<u>Inventors</u>
4,734,931 A	3/1988	Bourg et al.
5,204,894 A	4/1993	Darden
5,655,015 A	8/1997	Walsh et al.
5,764,731 A	6/1998	Yablon

The following Non-Patent Literature Document was erroneously omitted from Section (56) References Cited:

Mohl, B., Globe Staff, Duo Market Area Code Auto-dialer, Boston Globe Online (2/10/99).

JAN 12 2006

The U.S. Patents were cited by the Examiner in the Office Action mailed April 21, 2004 (Paper No. 13). A copy of the Office Action and accompanying Form PTO-892 are attached.

The Non-Patent Literature Document was cited and submitted by the Applicant with the Information Disclosure Statement filed on August 28, 2002. It was resubmitted with the Amendment in Response to Non-Final Office Action filed on January 16, 2004 after the Examiner indicated in the Office Action mailed November 13, 2003 (Paper No. 6) that a copy of the cited document was not found in the file. Attached are copies of the aforementioned documents, together with transmittal letters and postcard receipts evidencing receipt by the Patent Office of the Information Disclosure Statement and of the Amendment in Response to Non-Final Office Action and resubmitted non-patent literature document.

Additionally, claims 6, 17, and 26 contain the following typographical errors introduced by the Patent Office:

Claim 6, line 14, "number" should read --numbers--.

Claim 17, line 4, "identification and" should read --identification information and--.

Claim 17, line 5, "of formulating" should read --for formulating--.

Claim 26, line 7, "rule" should read --rules--.

In view of the above, Patentee respectfully requests that this Request be granted and that a Certificate of Correction be issued. Patentee submits that this Request and the attached documentation make clear that the identified errors in the issued patent occurred as a result of Patent Office error. Patentee therefore believes that no fee is due in connection with the filing of this Request. However, if the Patent Office considers the errors to have occurred as a result of mistakes by the Patentee, correction of such errors by certificate of correction is still proper under 37 CFR § 1.323 and is requested in that event. Authorization is given to charge the required fee to Deposit Account No. 50-0740 in that event.

JAN 12 2006

JAN 19 2006

Patent No.: 6,947,544

3

Docket No.: 025965.101-US03

Prompt and favorable consideration of this Request is respectfully requested.

Dated: January 10, 2006

Respectfully submitted,

By 
Paul J. Berman

Registration No.: 36,744

Melody H. Wu

Registration No.: 52,376

COVINGTON & BURLING

1201 Pennsylvania Avenue, N.W.

Washington, DC 20004-2401

(202) 662-6000

Attorneys for Applicant

JAN 12 2006

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

Page 1 of 2

PATENT NO. : 6,947,544
APPLICATION NO. : 10/090,004
ISSUE DATE : September 20, 2005
INVENTOR(S) : Robert J. Yamartino

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the face of the Letters Patent, under Section (56) References Cited, the following U.S. Patent Documents should be added:

4,734,931 A	3/1988	Bourg et al.
5,204,894 A	4/1993	Darden
5,655,015 A	8/1997	Walsh et al.
5,764,731 A	6/1998	Yablon

The following Non-Patent Literature Document should be added:

Mohl, B., Globe Staff, Duo Market Area Code Auto-dialer, Boston Globe Online (2/10/99).

MAILING ADDRESS OF SENDER (Please do not use customer number below):
COVINGTON & BURLING
Patent Docketing
1201 Pennsylvania Avenue, N.W.
Washington, DC 20004-2401

JAN 12 2006

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**Page 2 of 2

PATENT NO. : 6,947,544
APPLICATION NO. : 10/090,004
ISSUE DATE : September 20, 2005
INVENTOR(S) : Robert J. Yamartino

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 18

Claim 6, line 14, "number" should read --numbers--.

Column 19

Claim 17, line 4, "identification and" should read --identification information and--.

Claim 17, line 5, "of formulating" should read --for formulating--.

Column 20

Claim 26, line 7, "rule" should read --rules--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

COVINGTON & BURLING
Patent Docketing
1201 Pennsylvania Avenue, N.W.
Washington, DC 20004-2401

JAN 12 2006

Date: August 28, 2002 Atty Docket No.: 025965.0101-US03

Inventor: Yamartino

Application No.: 10/090,004 Filing Date: March 5, 2002

Title: TELEPHONE NUMBER AREA CODE PREPROCESSOR

Documents Filed:

Transmittal Letter (in duplicate);

Information Disclosure Statement;

Form PTO/SB/08A;

Two cited documents; and

Return receipt postcard.



STAMP AND RETURN

JAN 19 2006



Docket No.: 025965.101-US03
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Dr. Robert J. Yamartino

Application No.: 10/090,004

Group Art Unit: 2642

Filed: March 5, 2002

Examiner: Not Yet Assigned

For: TELEPHONE NUMBER AREA CODE
PREPROCESSOR

TRANSMITTAL LETTER

Commissioner for Patents
Washington, DC 20231

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Information Disclosure Statement;
2. Form PTO/SB/08A;
3. Two cited documents; and
4. Return receipt postcard.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0740, under Docket No. 025965.101-US03. A duplicate copy of this paper is enclosed.

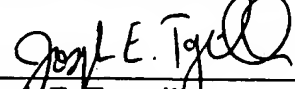
It is not believed that extensions of time fees are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional

JAN 10 2006

extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 50-0740.

Dated: August 28, 2002

Respectfully submitted,

By 

Joseph E. Topmiller

Registration No.: 50,580
COVINGTON & BURLING
1201 Pennsylvania Avenue, N.W.
Washington, DC 20004-2401
(202) 662-6000

JAN 12 2006



Docket No.: 025965.101-US03
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Dr. Robert J. Yamartino

Application No.: 10/090,004

Group Art Unit: 2642

Filed: March 5, 2002

Examiner: Not Yet Assigned

For: TELEPHONE NUMBER AREA CODE
PREPROCESSOR

Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO/SB/08A are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO/SB/08A based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior

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art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

- ☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.
- ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
 - ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c)

JAN 12 2006

more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- ☐ c. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(i).
- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 4. Relevance of the non-English language document(s) is discussed in the present specification.
- ☐ 5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:

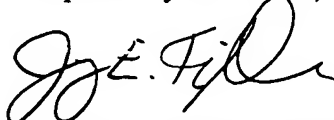
JAN 12 2006

- ☒ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. 10/024,033, filed December 21, 2001, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☒ 8. Copies of the documents were cited by or submitted to the Office in Application No. 10/024,033, filed December 21, 2001, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d), with the exception of U.S. Patent No. 6,345,095 and International Publication No. WO 99/53675, which are enclosed.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO/SB/08A, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0740, referencing Docket No. 025965.101-US03.

Respectfully submitted,



Joseph E. Topmiller (Reg. No. 50,580)

Date: August 28, 2002

COVINGTON & BURLING
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401
(202) 662-6000

JAN 12 2006

JAN 19 2006



PTO/SB/08A (10-01)

Approved for use through 10/31/2002.OMB 0651-0031

U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10/090,004
Filing Date	March 5, 2002
First Named Inventor	Dr. Robert J. Yamartino
Group Art Unit	2642
Examiner Name	Not Yet Assigned
Attorney Docket Number	025965.101-US03

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
/	A	5,157,719-	10-20-1992	Waldman	
/	B	5,272,749-	12-21-1993	Masek	
/	C	5,329,578-	07-12-1994	Brennan et al.	
/	D	5,481,603-	01-02-1996	Gutierrez et al.	
/	E	5,515,426-	05-07-1996	Yacenda et al.	
/	F	5,553,119-	09-03-1996	McAllister et al.	
/	G	5,583,926-	12-10-1996	Venier et al.	
/	H	5,613,006-	03-18-1997	Reese	
/	I	5,694,457-	12-02-1997	Nixon	
/	J	5,706,339-	01-06-1998	Eisdorfer et al.	
/	K	5,710,808-	01-20-1998	Eaton	
/	L	5,719,931-	02-17-1998	Johnson	
/	M	5,732,132-	03-24-1998	Hamada	
/	N	5,859,896-	01-12-1999	Rosen	
/	O	5,859,901-	01-12-1999	Brendzel et al.	
/	P	5,917,904-	06-29-1999	Theis	
/	Q	5,946,390-	08-31-1999	Boakes	
/	R	6,016,342-	01-18-2000	Schwartz	
/	S	6,134,319-	10-17-2000	Burg et al.	
/	T	6,154,535-	11-28-2000	Velamuri et al.	
/	U	6,292,557-	09-18-2001	Gabara	
/	V	6,345,095-	02-05-2002	Yamartino	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	W	IB-WO 99/53675-	10-21-1999	Yamartino		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	X	Mohl, Bruce, Globe Staff, "Duo market area code auto-dialer," Boston Globe Online, 2/10/99.	

Examiner Signature	Date Considered
-----------------------	--------------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

¹ Applicant's unique citation designation number (optional). ² See attached Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

JAN 12 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,004	03/05/2002	Robert J. Yamartino	025965.101-US03	5161

26853 7590 11/13/2003

COVINGTON & BURLING
ATTN: PATENT DOCKETING
1201 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20004-2401

EXAMINER

SMITH, CREIGHTON H

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 11/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
NOV 17 2003
Patent Docketing

JAN 12 2006

Office Action Summary

Application No.

090009

Applicant(s)

YAMARTINO R S

Examiner

Smith, C.H.

Group Art Unit

2645

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 11-20, 23-36, 47-56, 59-72 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 11-20, 23-36, 47-56, 59-72 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 5
- ☐ Interview Summary, PTO-413
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

JAN 12 2006

Art Unit: 2645

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 11-20, 23-36, 47-56, 59-72 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6633763. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application could have easily been incorporated with the claims of the patent .

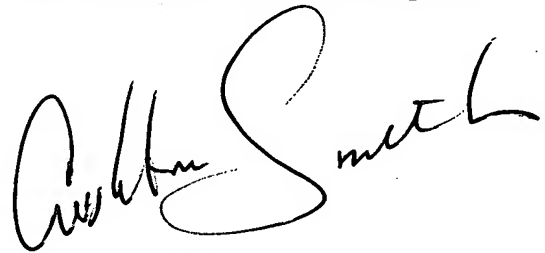
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Todo et al & Martensson et al. .

JAN 12 2006

Art Unit: 2645

Neither Todo nor Matensson teach the monitoring or receiving of call initiation signals before producing the list of available telephone numbers. In Todo and Martensson, the user scrolls down thru the list of telephone numbers before selecting the number (s)he wishes todial, whereas in applicant's device the user starts to dial the number first and then a list of numbers stored in database will become avialble foe the user to choose from.

Any inquiry concerning this communication should be directed to C Smith at telephone number 308-2488.

A handwritten signature in black ink, appearing to read "Creighton Smith". The signature is stylized with large, flowing loops and a prominent "S" for "Smith".

Creighton Smith
Primary Examiner

Creighton Smith

05 Nov.'03

JAN 12 2006

Notice of References Cited

Application No.

10/090004

Applicant(s)

Yamamoto R.S.

Examiner

Smith, C.H.

Group Art Unit

2645

Page ___ of ___

U.S. PATENT DOCUMENTS

*	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	6236867	5/2001	Toda et al	455	563
B	6349212	2/2002	Martensson et al	455	462
C					
D					
E					
F					
G					
H					
I					
J					
K					
L					
M					

FOREIGN PATENT DOCUMENTS

*	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N						
O						
P						
Q						
R						
S						
T						

NON-PATENT DOCUMENTS

*	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
U		
V		
W		
X		

JAN 12 2006

* A copy of this reference is not being furnished with this Office action.
(See Manual of Patent Examining Procedure, Section 707.05(a).)



PTO/SB/08A (10-04)

Approved for use through 10/31/2002.OMB 0651-0031

U. S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO			Complete If Known		
			Application Number	10/090,004	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Filing Date	March 5, 2002	
			First Named Inventor	Dr. Robert J. Yamartino	
			Group Art Unit	2642	
			Examiner Name	Not Yet Assigned	
Sheet	1	of	1	Attorney Docket Number	025965.101-US03

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
JCS	A	5,157,719-	10-20-1992	Waldman	
	B	5,272,749-	12-21-1993	Masek	
	C	5,329,578-	07-12-1994	Brennan et al.	
	D	5,481,603-	01-02-1996	Gutierrez et al.	
	E	5,515,426-	05-07-1996	Yacenda et al.	
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	H	5,613,006-	03-18-1997	Reese	
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	J	5,706,339-	01-06-1998	Eisdorfer et al.	
	K	5,710,808-	01-20-1998	Eaton	
	L	5,719,931-	02-17-1998	Johnson	
	M	5,732,132-	03-24-1998	Hamada	
	N	5,859,896-	01-12-1999	Rosen	
	O	5,859,901-	01-12-1999	Brendzel et al.	
	P	5,917,904-	06-29-1999	Theis	
	Q	5,946,390-	08-31-1999	Boakes	
	R	6,016,342-	01-18-2000	Schwartz	
	S	6,134,319-	10-17-2000	Burg et al.	
	T	6,154,535-	11-28-2000	Velamuri et al.	
CP	U	6,292,557-	09-18-2001	Gabara	
	V	6,345,095-	02-05-2002	Yamartino	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
JCS	W	IB-WO 99/53675-	10-21-1999	Yamartino	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
JCS	X	Mohl, Bruce, Globe Staff, "Duo marker area code auto-diafer," Boston Globe Online, 2/10/99.	

Examiner Signature	<i>Amat</i>	Date Considered	11/03
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

¹ Applicant's unique citation designation number (optional). ² See attached Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

JAN 12 2006

Date: January 16, 2004

Atty Docket No.: 025965.0101-US03

Inventor: Yamartino

Application No.: 10/090,004

Filing Date: March 5, 2002

Title: TELEPHONE NUMBER AREA CODE PREPROCESSOR

Documents Filed:

Transmittal Letter (in duplicate);

Fee Transmittal;

Amendment in Response to Non-Final Office Action;

Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent (U.S. Patent No. 6,345,095);

One cited document (Mohl, Bruce, Globe Staff, "Duo market area code auto-dialer," Boston Globe Online, 2/10/99) previously cited in the IDS filed on August 28, 2002;

Check No. 323072 for \$55.00 to cover the terminal disclaimer fee; and

Return receipt postcard.



STAMP AND RETURN

JAN 12 2006



Docket No.: 025965.101-US03
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Robert J. Yamartino

Application No.: 10/090,004

Group Art Unit: 2645

Filed: March 5, 2002

Examiner: C. H. Smith

For: TELEPHONE NUMBER AREA CODE
PREPROCESSOR

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Fee Transmittal;
2. Amendment in Response to Non-Final Office Action;
3. Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent (U.S. Patent No. 6,345,095);
4. One cited document (Mohl, Bruce, Globe Staff, "Duo market area code auto-dialer," Boston Globe Online, 2/10/99) previously cited in the IDS filed on August 28, 2002;
5. Check No. 323072 for \$55.00 to cover the terminal disclaimer fee; and
6. Return receipt postcard.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0740, under Docket No. 025965.101-US03. A duplicate copy of this paper is enclosed.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 50-0740.

Dated: January 16, 2004

Respectfully submitted,

By 

Joseph E. Topmiller

Registration No.: 50,580

COVINGTON & BURLING

1201 Pennsylvania Avenue, N.W.

Washington, DC 20004-2401

(202) 662-6000

JAN 12 2006

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Docket No.: 025965.101-US03
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Robert J. Yamartino

Application No.: 10/090,004

Art Unit: 2645

Filed: March 5, 2002

Examiner: C. H. Smith

For: TELEPHONE NUMBER AREA CODE
PREPROCESSOR

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

MS Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated November 13, 2003 (Paper No. 6), please amend the above-identified U.S. patent application as follows:

Remarks/Arguments begin on page 2 of this paper.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 50-0740.

JAN 12 2006

REMARKS

The Examiner has rejected pending claims 11-20, 23-26, 47-56, and 59-72 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of United States Patent No. 6,345,095.¹

Filed herewith is a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent executed by the inventor and owner of the above-captioned application number 10/090,004. The filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870 (Fed. Cir. 1991). The filing of a terminal disclaimer serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection. *Id.*; M.P.E.P. § 804.02. Based upon filing of the Disclaimer and accompanying fee, Applicant respectfully submits that all of the obviousness-type double patenting rejections should be withdrawn.

OTHER MATTERS

The Examiner indicated on the PTO Form SB/08 returned with the November 13, 2003 Office Action that he was unable to locate a copy of one of the references cited in the file of the parent application (reference X). A copy of that reference is included herewith for the convenience of the Examiner.

CONCLUSION

Prompt and favorable consideration of this Amendment is respectfully requested. All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes

¹ Page 2 of the Office Action cites U.S. Patent No. 6,633,763, rather than 6,345,095 for the obviousness-type double patenting rejection. However, in a telephonic interview with applicant's representative, the Examiner indicated that the rejection should have been based on U.S. Patent No. 6,345,095.

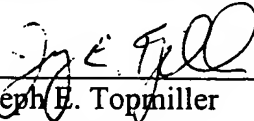
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that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: January 16, 2004

Respectfully submitted,

By 
Joseph E. Topmiller
Registration No.: 50,580
COVINGTON & BURLING
1201 Pennsylvania Avenue, N.W.
Washington, DC 20004-2401
(202) 662-6000

JAN 12 2006

1 of 1 DOCUMENT

Copyright 1999 Globe Newspaper Company
The Boston Globe

February 10, 1999, Wednesday, City Edition

SECTION: METRO/REGION; Pg. B5

LENGTH: 801 words

HEADLINE: Agency is said to favor overlaying any new area codes

BYLINE: By Bruce Mohl, Globe Staff

BODY:

If the state moves ahead with plans to add four new area codes in Eastern Massachusetts, it is likely that only residents and businesses that get new phone numbers will get a new area code.

The Department of Telecommunications and Energy is still hearing testimony on the matter and hasn't taken a formal position yet, but sources say the agency is leaning toward an approach that would overlay new area codes over the existing ones. That would mean current customers would keep their area codes and phone numbers, while any new numbers would be drawn from the overlay area codes.

At four public hearings on the issue, including one yesterday at the agency, support for an overlay was unanimous from lawmakers, business groups and homeowners. Everyone hoped new area codes could be avoided by distributing existing numbers more efficiently, but if that effort fails, they favor an overlay.

"I have not heard a single person stand up and say they're in favor of a split," said Paul Vasington, the DTE commissioner specializing in telecommunications issues.

A split is the traditional approach to area code creation. The DTE adopted that approach two years ago when 617 and 508 were sliced up to create 781 and 978. The overlay approach was shot down then primarily because it would require everyone to dial 10 numbers instead of seven to complete a local call.

But the prospect of another split so soon appears to have made the dialing issue less important. Business groups testified yesterday that they favor an overlay because they wouldn't need to change their signs and stationery again. Alarm companies said an overlay would cause them far less disruption than a split.

And East Boston residents, who fear a split would squeeze them right out of 617, said being placed in a new area code would have the effect of removing them from Boston.

"There's already a misperception out there that we're not part of Boston," testified Regina Marchi of East Boston. "The last thing we need is to have our neighborhood have a whole new area code."

A number of phone companies seeking to break into the local market here favor a split instead of an overlay. They say an overlay would give a competitive advantage to Bell Atlantic because it has the most numbers in the existing area codes.

Elena French, a spokeswoman for MCI WorldCom, pointed out in an interview that the overlay approach also can be confusing. It would mean next-door neighbors could have phone numbers with different area codes. It could also mean a home seeking a second phone line could end up with phone numbers with two different area codes.

The DTE is expected to decide how to create four new area codes by early summer. At the same time, the agency is reviewing various options that might lengthen the life of the existing area codes and postpone the need for new ones.

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The area codes are running out of numbers not because consumers are using so many more of them, but because telephone companies are gobbling them up and then not using them. Numbers are currently distributed in blocks of 10,000, and companies seeking to compete in all of Eastern Massachusetts often need to draw hundreds of thousands of numbers even though they need only a tiny fraction of them.

Under current forecasts, the 508 area code is expected to run out of numbers in the second quarter of next year, while 781 and 978 are due to run out in the third quarter of 2000. Forecasts call for 617 to run out of numbers in the first quarter of 2001.

Duo markets area code auto-dialer

Two inventors showed up at yesterday's state Department of Telecommunications and Energy hearing saying they have come up with a way to eliminate the dialing confusion arising from area-code overload.

Steven Schulman and Michael Yanoff, of Codeless Technologies in Needham, say they have a patent pending on technology that would allow consumers to dial a number without needing to remember the area code.

The two businessmen described their service as caller ID in reverse. Instead of identifying the number of the person calling in, the new technology would identify and dial the area code of a person being called.

Schulman said the caller would have to dial the person's area code and number once, but on every subsequent call only the seven-digit number would be needed. The software would automatically dial the area code.

Schulman and Yanoff said their technology could be attached directly to a customer's phone, but they thought it would be more appropriate to have phone companies sell it as a special calling feature, much like caller ID or call waiting, for perhaps \$3.50 a month. They said they have contacted several phone companies and hoped to build some awareness of their product with yesterday's announcement.

LOAD-DATE: February 11, 1999

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